

## PLANNING COMMISSION MINUTES

June 29, 2010

7:16 p.m.

Present: Chairman Clark Jenkins, Vice Chairman Tom Smith, Dave Badham, City Council Representative Beth Holbrook, City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen, Youth Council Representative Jasilyn Brinkerhoff, and Recording Secretary Connie Feil. Also in attendance was newly appointed Commissioner, effective July 1<sup>st</sup> 2010, Von Hill.

Absent: Barbara Holt, Michael Allen, and Ray Keller.

Clark Jenkins welcomed all those present and started the meeting at 7:15 p.m.

Beth Holbrook made a motion to approve the minutes for June 1, 2010 as written. Tom Smith seconded the motion and voting was unanimous in favor.

**1. Consider preliminary and final amended site plan and project sign plan approval for Smith's Fuel Center expansion located at 555 S. 200 W., Smith's Food and Drug Stores, Applicant.**

Nikki Anderson, applicant, was present. Paul Rowland explained that the applicant is proposing several modifications to the existing site plan. First, the proposal is to construct 6 additional fuel dispensers (3 islands) and a new canopy on the south side of the main entrance off of 200 West. The pumps will be monitored from the existing kiosk on the north side of the driveway. The pumps will be oriented north/south so that at night the headlights of the vehicles will not shine into the homes on the west side of 200 West. The pumps will be located in an existing area of pavement so there will be minimal impact (if any) on the existing storm drain system. There will be an oil/water separator constructed on the low (west) side of the fuel pad in case any vehicles leak fluids.

The second proposal is to replace the main drive entrance on 200 West with a street-style approach. Currently, the entrance is a standard drive approach, which means that vehicles accessing the development must drive over the sidewalk and through the gutter, a rather slow process. This is desirable in low volume applications, however, in this instance it has caused vehicles to back up along 200 West and into the Smith's parking lot. Mr. Rowland, the City Engineer, is recommending that the applicants install a street-style approach, similar to the one recently constructed at Colonial Square (the Square at 2600 South).

Third, the applicant is proposing a new, limited access drive approach on the north side of the existing fuel center. This would be a single lane entrance with a single right-turn-only exit. The purpose of this access is to improve the circulation around the existing fuel center. The applicant originally wanted a full service drive access, however, visibility to the north is substantially limited by a large power transmission pole, and Mr. Rowland determined that left turns from this

location are unsafe.

Mr. Rowland explained that 200 West is a UDOT road, and all work in the right-of-way will need to be approved by UDOT before construction commences. In addition, if any of the proposed retaining walls are 4' or higher, the applicant will need to obtain a separate building permit for those walls.

Aric Jensen explained that the applicant would like to amend the existing sign plan for the entire Smith's Marketplace development to include tenant space on the existing pole sign on 500 South, and to construct new monument signs as part of the fuel center expansion. Illustrations of the proposed signs and the location of the signs are shown on sheet Ex1 of the proposed site plan. Staff has no objections to the signs as proposed.

Mr. Jensen explained to the Commission that the motion will need two parts:

1. Recommend preliminary and final amended site plan approval for the Smiths Marketplace fuel center with the following conditions:
  - a. Any redlines be corrected
  - b. Receive written UDOT approval prior to commencing any construction in the 200 West right-of-way.
  - c. Obtain a separate building permit for any retaining walls 4' or higher.
2. Approve the proposed amendment to the existing Smiths Marketplace sign plan as shown on sheet Ex1 and the attached illustrations.

There was a discussion regarding the use of the driveway on the far south side of the property. The new pumps will make it easier for larger trucks, trailers, motor homes etc. to maneuver through the facility. Staff feels that this driveway will be used more frequently because it will give access to the new gas pumps from the south. Making the main entrance wider and providing a left turn lane will help with congestion at the entrance and make it a safer access.

The discussion continued with concerns regarding the sign location at the main entrance. Ms. Anderson mentioned that the new signs will not be built for at least 6 months. It was decided to add an additional condition to review the exact placement of the sign after the driveway has been completed.

Tom Smith made a motion to recommend to the City Council preliminary and final amended site plan and to grant a sign plan approval for Smith's Fuel Center subject to the conditions outlined by Staff with the addition of the following condition:

3. Monument sign located at the main entrance will be reviewed by Staff for safety consideration after the main driveway has been completed and prior to construction of the sign.

Beth Holbrook seconded the motion and voting was unanimous in favor.

## **2. PUBLIC HEARING – Consider revisions to Title 14 of the Bountiful City Land Use Ordinance.**

The public hearing was opened for all those with comments and concerns.

Mr. Jensen explained that when staff reviewed the proposed Bountiful Lumber property proposal, it became apparent that certain provisions of the Subdivision Ordinance conflicted with the goals and objectives of the Downtown Masterplan and the existing Downtown Zone. Projects that were contemplated under both documents couldn't be subdivided based on the existing provisions of the Subdivision Ordinance. Staff has drafted proposed changes to the PUD and Condominium provisions of the Subdivision Ordinance to address these issues. The Commissioners were given these provisions previously to review for discussion.

Mr. Jensen reviewed the proposed changes to Title 14 Land Use Ordinance.

Staff recommends approval of the proposed changes to Title 14, the Bountiful Land Use Ordinance, as presented or with changes as necessary.

Mr. Jensen explained that the State does not have a PUD Act and Staff is attempting to create an ordinance with wording that will accomplish what the City needs at this time. This proposal states that if the project can be built under the current zoning, when it comes times to subdivide, it can be subdivided as a PUD or Condominium if they meet the requirements as stated.

There was a discussion regarding the minimum number of units and the size of the lots, the financial situation with Condominium verses PUD and how to separate the two in the ordinance. The Commission agreed to change the PUD pad/lot size to no smaller than 750 sq ft in area.

Mr. Jensen also explained that recently the City has had some public hearings regarding the Federal Fair Housing Act and non-conforming use statues. Currently the appeal process is heard by Mr. Jensen and he also issues a written decision to the applicant. The appeal then will be heard by the City Council or Planning Commission. Mr. Mahan and Mr. Jensen would like to change the Administrative appeal to go before an Administrative Law Judge. This is a common practice in other communities. The ALJ would be someone who is familiar with the law and city ordinances.

Mr. Mahan explained that this procedure would allow the City Council and Planning Commission to be responsible for only the policy issues. Staff and the ALJ would be responsible for legislative items.

Mr. Jensen explained that this proposal has not been written and he would like feedback from the Commission. If the Commission agrees he will work with Mr. Mahan on the specific wording and have it brought back to the Commission for review.

The Commissioners agreed to have Mr. Jensen draft a procedure to allow for an Administrative Law Judge to review the administrative appeals brought before the City.

The public hearing was closed without any comments or concerns.

Beth Holbrook made a motion to recommend to the City Council approval of the revisions to Title 14 of the Bountiful City Land Use Ordinance as presented with the changes to 14-20-601 Section C amending the square footage from 1,500 sq ft to 750 sq ft in area.

Dave Badham seconded the motion and voting was unanimous in favor.

**3. Consider Preliminary site plan and preliminary PUD plat approval for Bountiful Lumber located at 190 S. Main, Brian Knowlton, applicant.**

Vice Chairman Tom Smith had to recuse himself from this item, and as such the quorum was lost. This item was continued due to not having a quorum.

Vice Chairman Smith asked the Commission members if they would be available to meet on July 20<sup>th</sup> 2010. All present said they were available. The next Planning Commission meeting will be for July 20<sup>th</sup> 2010.

Mr. Knowlton mentioned that he could be prepared to have final approval by July 20<sup>th</sup>.

Meeting adjourned at 8:25 p.m.